

RESOLUTION NO. 21-267

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A FOUR-YEAR EXTENSION TO THE "CONTRACT TO PROVIDE SOLID WASTE COLLECTION AND PROCESSING SERVICES AND OPERATION OF THE TRANSFER STATION" BETWEEN THE CITY OF KEY WEST AND WASTE MANAGEMENT OF FLORIDA, INC. (WMI); AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS UPON ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on May 6, 2014, the City Commission awarded the bid of Waste Management Inc. (WMI) of Florida in response to ITB 14-009, and on June 25th, 2014 a Contract was executed for the collection, transfer and disposal of solid waste and recyclable materials and transfer station operation to be effective January 1, 2015; and

WHEREAS, in Resolution No. 14-254, the City Commission approved a First Amendment to Contract, and in Resolution No. 16-048 the City Commission approved a Second Amendment to Contract and in Resolution 21-259 the City Commission approved a contract amendment request to become effective January 1, 2022; and

WHEREAS, the City's contract with Waste Management is eligible for up to two renewals for an additional four years each, pursuant to Section 1.3 of the current contract, and City staff recommends exercising the first renewal option, upon the terms and conditions as the original contract, including amendments, to become effective January 1, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Commission hereby approves a four-year renewal (first of up to two four-year renewals) pursuant to Section 1.3 of the "Contract to Provide Solid Waste Collection and Processing Services and Operation of the Transfer Station" between the City and Waste Management of Florida, Inc., including amendments.

Section 2: That the City Manager is authorized to execute any necessary documents to effectuate this renewal, upon advice and consent of the City Attorney.

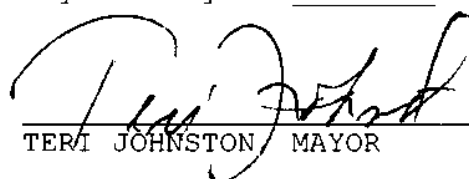
Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 7th day of December, 2021.

Authenticated by the Presiding Officer and Clerk of the Commission on 8th day of December, 2021.

Filed with the Clerk on December 8, 2021.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>


TERI JOHNSTON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

MEMORANDUM

TO: Patti McLaughlin, City Manager

Cc: Todd Stoughton, Assistant City Manger

FROM: John Paul Castro, Utilities Director

DATE: September 21, 2021

SUBJECT: 4-year Contract Renewal for Waste Management, Inc.

Action Statement:

City staff requests approving the first of two 4-year contract extensions with Waste Management, Inc. (WMI).

Background:

The city advertised a bid for solid waste and recycling services in 2014 with contract services to begin on January 1, 2015. The city commission awarded the contract to Waste Management, Inc. (WMI) with an initial term of 7 years plus the availability of 2 additional 4-year extensions. The initial 7-year term expires December 31, 2021. There are three amendments approved by the commission, resolution 14-254, 16-048, and 21-259.

Justification:

The current contract with WMI is advantageous to the rate payers in Key West as the long-term contract gives stability to the enterprise fund.

Pursuant to section 1.3 of the contract, at the option of the City, the contract may be renewed up to two (2) additional terms of four (4) years each under the same terms and conditions as the initial term, including amendments, subject to the approval of the city commission.

Options:

1. Approve the first of two 4-year contract extensions, including amendments, with Waste Management, Inc.
2. Do not extend the Waste Management, Inc. contract. This is not recommended as there is not enough time to advertise and ITB and possibly change contractors. This would likely result in a large price increase.

Recommendation:

Staff recommends option 1, approving the first of two 4-year contract extensions with Waste Management, Inc. (WMI).

Key to the Caribbean - Average yearly temperature 77° F.

extensions with WMI pursuant to section 1.3 of the contract.

CONTINUATION
CERTIFICATE

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

, Surety upon

a certain Bond No. 106077084

dated effective 1/1/2015
(MONTH-DAY-YEAR)

on behalf of WASTE MANAGEMENT INC. OF FLORIDA
(PRINCIPAL)

and in favor of CITY OF KEY WEST
(OBLIGEE)

does hereby continue said bond in force for the further period

beginning on 1/1/2022
(MONTH-DAY-YEAR)

and ending on 12/31/2025
(MONTH-DAY-YEAR)

Amount of bond \$3,760,000.00

Description of bond Collection of Residential Solid Waste and Recycling and Commercial Solid Waste Collection and Transfer Station Operation

PROVIDED: That this continuation certificate does not create a new obligation and is executed upon the express condition and provision that the Surety's liability under said bond and this and all Continuation Certificates issued in connection therewith shall not be cumulative and that the said Surety's aggregate liability under said bond and this and all such Continuation Certificates on account of all defaults committed during the period (regardless of the number of years) said bond had been and shall be in force, shall not in any event exceed the amount of said bond as hereinbefore set forth.

Signed and dated on 1/3/2022
(MONTH-DAY-YEAR)

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

By

ATTORNEY-IN-FACT

Andrea M. Penaloza



Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

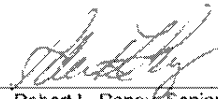
KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Andrea M. Penaloza** of **HOUSTON, Texas**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April, 2021**.



State of Connecticut

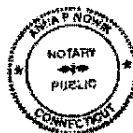
City of Hartford ss.

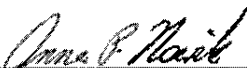
By: 
 Robert L. Raney, Senior Vice President

On this the **21st** day of **April, 2021**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June, 2026**




 Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

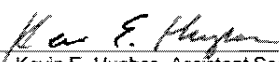
FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **3rd** day of **January**, **2022**




 Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.